

AIRPORT LAND USE COMMISSION

April 20, 2005

Minutes of the Regular Meeting of the Airport Land Use Commission held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 1:30 p.m.

PRESENT: COMMISSIONERS JAMES GLEIM, JIM HEGGARTY, TERRY ORTON, RICHARD POTTRATZ, ROBERT TEFFT, AND CHAIRMAN ROGER OXBORROW

ABSENT: COMMISSIONER GERRIT VANDERZIEL

**STAFF: BILL ROBESON, AIRPORT LAND USE COMMISSION PLANNER
MARTIN PEHL, ASSISTANT AIRPORTS MANAGER**

The meeting is called to order by Chairman Oxborrow.

The following action minutes are listed as they were acted upon by the Airport Land Use Commission and as listed on the agenda for the Regular Meeting of April 20, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Roll Call

Chairman Oxborrow questions if staff has any changes to the agenda, with Bill Robeson responding there are additions to the staff updates only.

Public Comment: none

1. Minutes of March 16, 2005, are presented. Thereafter, on motion of Commissioner Heggarty, seconded by Commissioner Orton, and carried, in the absence of Commissioner Vanderziel, the minutes of March 16, 2005, are approved as presented.

2. Staff Updates:

a. Recent Case Law: Muzzy Ranch Co. vs. Solano County Airport Land Use Commission.

Bill Robeson comments on the case law article included in the Airport Land Use Commission (ALUC) packet regarding the Muzzy Ranch County vs. Solano County ALUC environmental issues and law review process. He states San Luis Obispo (SLO) County Planning has been completing environmental reviews on the airport documents and conforming to this process already.

Paul Gimer questions the court process of the above item. Bill Robeson responds that by the information in the article the litigation may be proceeding to the Superior Court level and states he will keep the ALUC updated on the status of the litigation proceedings.

b. Status of Paso Robles adopted Airport Land Use Plan (ALUP).

Bill Robeson states the Paso Robles ALUP should be available within two weeks on CD Rom, on the Airport website and then in hard copy.

c. Oceano Airport Land Use Plan projected amendments

Bill Robeson states he has met with the Airport managers to discuss the consultant process that will run with the Airport Master Plan and which is still in contract plans and negotiations. He states the ALUP is not covered by FAA grant funds, issues will be worked out through the ALUC subcommittee and discussions that will need to start again. He states the Subcommittee members are: Commissioners Tefft, Vanderziel and Alternate Tom Sled; and adds there may be a possibility that Mr. Sled will not be remaining on the Subcommittee.

Commissioner Tefft questions if the Oceano Specific Plan will be redone. Bill Robeson discusses the adoption of the Oceano Specific Plan after the Airport Master Plan.

d. Resignation of Paul Gimer, ALUC Alternate to Commissioner Pottratz.

Bill Robeson comments on the resignation of Mr. Paul Gimer as Alternate to Commissioner Pottratz on the ALUC and expresses staff's recognition to Mr. Gimer and appreciation for his input and efforts to this commission.

Chairman Oxborrow concurs, comments and extends best wishes to Mr. Gimer on behalf of the ALUC.

e. Board of Supervisors (BOS) appointed Airport Land Use Commission seat currently held by Commissioner Gleim expires in May 2005.

Bill Robeson comments on the procedures for alternate replacements and notes the ALUC seat held by Commissioner Gleim and appointed by the BOS, expires in May. He states Mr. Gleim will be seeking reappointment, and a letter will be sent next week to the BOS to begin the appointment process.

Hearing Items:

3. This being the time set for hearing to consider a mandatory referral by the **CITY OF SAN LUIS OBISPO** (SLO) for a determination of consistency or inconsistency and approval of a proposed **Draft Airport-Compatible Open Space Plan (ACOS)** with the San Luis Obispo County Regional Airport Land Use Plan. The proposed ACOS areas are in various locations of Airport Land Use Areas. (Mike Drazo, City Deputy Director, Long-Range Planning and Michael Codron, City Associate Planner.)

Bill Robeson describes the Draft Airport-Compatible Open Space Plan (ACOS) brought forward today and recommends approval by the ALUC. He discusses the purpose of the ACOS and correlation to the amendment process to the SLO ALUP also proposed on the agenda today. He discusses the safety areas that will have density changes per acre with the approved ACOS and introduces Michael Codron, Planner from the City of San Luis Obispo (SLO), who has a presentation and will further describe this item.

Michael Codron, City of SLO Planner, gives a PowerPoint presentation, comments on areas that still need to be discussed, and the content of the plan basics. He comments on the subcommittee meetings, references exhibits to show what the area of influences are, and discusses the open space criteria. He states they feel the open space provided is adequate and further describes the areas and requirements that are met. He points out revisions from the ALUC input at the March meeting and subcommittee meetings which are to include the Laguna Lake area, and language changes for the City's General Plan and ALUP with reference to the ACOS. He discusses implementation of this plan and sites to meet the concept of 'in perpetuity' to the Airport. He explains the ACOS is an action plan; states no actions can begin until the ACOS is approved and describes some of the projects coming forward that are awaiting an approved ACOS. He provides an overview of the seven ACOS sites proposed and presents overhead maps of the sites. He states this ACOS was recommended by the City Planning Commission and explains the City Council process after the ALUC action. He states the City is requesting an ALUC approval today and notes the city is willing to continue to work with the ALUC on any items that will come forward.

Commissioner Tefft questions the altitudes used in the plan and if there are any mandatory referrals out of the seven sites displayed today in the airport area. Michael Codron responds with the areas that would need to come forward for a mandatory referral to the ALUC if development is proposed.

Bill Robeson continues to clarify referrals that would come forward to the ALUC for projects and documents.

Commissioner Gleim states six out of seven of these sites are open for override.

Michael Codron explains that everything is subject to override and comments on their efforts to get the City's General Plan consistent with the ALUP.

Commissioner Orton comments if this ACOS plan was adopted by the City he cannot foresee that there would be any decisions to override a decision by the ALUC; Michael Codron concurs and explains. Commissioner Orton further comments on the zoning and feels most projects would come back before the ALUC. Commissioner Pottratz questions if the reserve area on the west side of railroad tracks has been stepped off and questions if this meets the ALUC requirements. Michael Codron responds yes, and states he has reviewed the area and feels it meets the requirements. Commissioner Tefft comments he reviewed the site and feels it has an adequate area for emergency landing.

Mayor Dave Romero expresses the City's strong support of the Airport and it's viability to the City, and feels the City has been implementing the ALUP's standards to promote safety. He states they are committed to implementing the plan and work with the ALUC and comments on the planned open space and developments. He discusses issues that

would trigger an override, but states their efforts are to work with the ALUC.

John Mandeville, Community Development Director/City of SLO, comments on his involvement with the work between the ALUC and City staff. He expresses his appreciation to the subcommittee's efforts on working out issues with the ACOS plan. He comments on the concerns for override potential, and states as long as we have a democratic form of government there may be a possibility for this, but states the possibility is small. He comments on the land use and efforts the City will take as part of their General Plan Policies and the ACOS program that would make it very unlikely for changes to occur. He makes final comments to find a win-win situation, and encourages the commission to adopt this ACOS plan and states he looks forward to working with the ALUC.

Lu Smith states she is the agent for the 3510 Broad Street client whose project is on hold till an ACOS plan is adopted. She expresses her support of adopting this plan today so that her client can move forward.

Bill Tickle asks the ALUC to please approve this ACOS plan presented by the City, as they are another project waiting to move forward for the same reason as Ms. Smith's client.

Carol Florence, Oasis Associates, states she here today to represent both general aviation pilots and a handful of projects waiting to come forward. She acknowledges the ALUC flexibility and coming to consensus to preserve and maintain the Airport. She expresses support to approve this ACOS plan, states there has been a lot of energy put forward to get to this position and feels any flaws can be worked through.

Commissioner Pottratz comments on his concerns and concurs with the concerns of override noted by Commissioner Gleim. He comments on the ACOS sites discussed today, feels there are no guarantees they will remain in open space and recommends requesting a 'letter of understanding' from the City to ensure the reserve space would not be lost. He states once land is built to a certain density it cannot be reduced and reserve areas would be lost; he feels the ALUC needs to be very careful. Commissioner Tefft comments on the language written into the City's General Plan, feels this document will set aside open space in perpetuity to the Airport and there cannot be a 100 percent guarantee. He further comments on inappropriate residential development and promoting appropriate industrial development in this area to protect the viability of the Airport. He comments on the restrictions for density by the CalTrans State Handbook and states he is in favor of approving this ACOS plan. Commissioner Heggarty comments on the 'letter of understanding', feels it would not make any difference, states a different City Council can override the letter, zoning and General Plan. He feels approving this ACOS plan will be the best way to secure the protection of this open space and if there is any concern with any General Plan changes the ALUC will be well involved. Commissioner Orton comments that the best way to proceed is with this single document, states he is in support of putting this into the General Plan, and feels this is a good plan. Commissioner Pottratz makes further comments on residential and industrial areas and safety concerns. He feels this ACOS plan will allow increased density around the Airport and the ALUC needs to avoid allowing increased densities until there is a guarantee that these open space areas will remain before building occurs.

Commissioner Gleim concurs with Commissioner Pottratz, comments on the emergency landing sites, states the sites are in good strategic locations, compliments the work the

City has done, and notes he has flown over the proposed ACOS sites. He further states he agrees with Commissioner Pottratz and strongly recommends approval on a ratio basis per area to protect this area with solid guarantees. Commissioner Tefft comments on the plan and states the only issue is with locking down the open space, comments on limits in achieving this and feels the ALUC needs to move forward with this plan.

John Mandeville comments on the issues with open space guarantees and states these agreements can be dissolved based on California law limiting restrictions of a council. He states the only guarantee is for the Airport to buy and own the property.

Commissioners further discuss the issues with open space guarantees, density concerns and issues with the open space areas that are proposed in this ACOS plan.

Thereafter a motion by Commissioner Tefft, seconded by Commissioner Orton, to approve the Draft Airport Compatible Open Space Plan (ACOS) as submitted and requests the addition of a sentence on page 3-21, under Airport Area #1, under the heading Conclusion before the last sentence to read: "The City will pursue opportunities to reduce berms and other irregular terrain features as opportunities present", and add the same change to page 3-23, under Airport Area Reserve #2, under the heading Conclusion, after the last sentence to read: "The City will pursue opportunities to reduce berms and other irregular terrain features as opportunities present", is discussed.

Commissioners further comment on concerns with this ACOS plan. Chairman Oxborrow calls for the question, and confirms that the City agrees with the changes requested by Commissioner Tefft in the motion.

Thereafter a motion by Commissioner Tefft, seconded by Commissioner Orton, to approve the Draft Airport Compatible Open Space Plan (ACOS) as submitted and requests the addition of a sentence on page 3-21, under Airport Area #1, under the heading Conclusion before the last sentence to read: "The City will pursue opportunities to reduce berms and other irregular terrain features as opportunities present", and add the same change to page 3-23, under Airport Area Reserve #2, under the heading Conclusion, after the last sentence to read: "The City will pursue opportunities to reduce berms and other irregular terrain features as opportunities present", is approved on the following roll call vote:

Ayes: Commissioners Tefft, Orton, Heggarty, and Chairman Oxborrow

Noes: Commissioners Gleim and Pottratz

Absent: Commissioner Vanderziel

(Document No. 2005-004)

Meeting Recess

Meeting Resumes

Discussion items:

- 4. Brazil property subdivision proposal** located off Highway 227 and Windmill Way, south of the City of San Luis Obispo submitted to the Airport Land Use Commission for preliminary review and comment. Jeremy Freund, Agent/Wallace Group.

Bill Robeson presents the above discussion item, introduces Jeremy Freund, agent for Henry Brazil, and states Mr. Freund has a PowerPoint presentation to further describe this proposal. Bill Robeson describes the proposed location information with overhead displays, and discusses allowable uses and ALUP criteria.

Chairman Oxborrow questions if this is a mandatory referral; staff responds no. Commissioners question the area zoning and proposal with staff responding.

Jeremy Freund, Agent/Wallace Group, describes the project history.

Henry Brazil, Applicant, states he has lived in San Luis Obispo all his life, comments on the history of his property zoning, and states he is a pilot and understands the concerns of the ALUC. He comments on the surrounding properties and his proposed subdivision of 1-acre parcels. He requests the ALUC consider this his proposal infill, states this property is an investment, and asks for favorable consideration by the ALUC so he may move forward with his proposal.

Jeremy Freund describes the property, surrounding development, an overview of the area and layout of proposed 14-lot project. He describes the proposed access, other out buildings, proposed noise buffers and how they meet the requirements of infill classification. He further comments on the noise mitigations applied, concludes this proposal will meet the compliance of the ALUP when this is submitted as a formal referral and looks forward to the ALUC comments today.

Commissioner Tefft requests Mr. Freund address the compliance to Table 10.

Jeremy Freund notes the clarification and correction of maximum density, discusses modification to the density limitation and feels the density from the General Plan and Area plan are adequate. He adds they will mitigate for noise.

Commissioner Pottratz feels this is a noise sensitive area and this project is a problem.

Martin Pehl, Assistant Airports Manager, states last week they were asked to provide noise complaint data for this area. He presents an overhead display of noise complaint data (Exhibit A) and feels it speaks for itself. He explains each arrow points to a noise complaint with reference to the proposed project location. He comments on the overflight that is being done now to avoid the school area and comments on the accidents that have occurred in this area in the past two years.

Brad Brickwald, Wallace Group, states the primary issue here is to change the density to 1-acre minimum and request for ALUC input on what density would be acceptable in order to assist the applicant in moving forward and to avoid additional hardship to the family. He requests the ALUC consider this as an infill area and requests any input the ALUC can provide.

Commissioner Tefft explains the definition of infill, discusses the density restrictions for this area, and comments on safety concerns and noise issues. He feels the clients building homes in this area will require a higher level of housing and demands will be greater for noise issues. He discusses options for this proposal, but does not see how this proposal is compatible. Commissioner Heggarty comments on the Housing Element for this area, references a similar project in Paso Robles that is proposing several

commercial businesses and recommends Mr. Brazil might consider a similar proposal.

Mr. Brazil responds he originally proposed a commercial business, but it is not permitted in the county.

Bill Robeson comments on issues that would hinder putting commercial projects in this rural area, and states it is not zoned for commercial.

Mr. Brazil comments on his efforts to submit a commercial application to the county in the past, states it is zoned residential and estimates the number of existing homes in this area to be 600.

Chairman Oxborrow clarifies reviewing this proposal as infill, density issues, noise contours that are specific to the ALUP and if this proposal would be consistent or not in order to enable the applicant to move forward. Commissioner Gleim recommends proposing commercial buildings where density is an issue.

Bill Robeson states he is open to discussing new proposals with Mr. Brazil.

Commissioner Tefft notes his concerns with residential development and questions if any new parcel maps have come forward.

Bill Robeson responds he is not aware of any new Parcel Maps in this area, states he will research this further, and further comments on the parcel sizes and density issues.

Commissioners further discuss parcel sizes and uses, and Chairman Oxborrow states he is not seeing a consensus for support for this proposal by this Commission at this time; no action taken.

Jeremy Freund states they understand the discussion today and their purpose was to receive input from the ALUC.

5. Proposed Amendments to the San Luis Obispo County Regional Airport Land Use Plan.

Bill Robeson discusses the handout included in the packet prepared by Commissioner Tefft and defers to Commissioner Tefft for further discussion.

Commissioner Tefft states these proposed amendments have been worked out with the subcommittee and meetings with the City of SLO. He discusses the recommendations and states this will bring the ALUP more in agreement with the City zoning codes and allow the Peoples Self-Help program to move forward along South Higuera Street. Commissioner Pottratz recommends they do not include the approach plates and eliminate all wording on the utilities code since that information is available on the website, and reference can be made to the website for up to date information.

Commissioner Tefft steps down.

Commissioner Pottratz recommends language changes to 2.8.1. Chairman Oxborrow clarifies this if for discussion and this proposal should be brought back to the next meeting for agreement.

Commissioner Tefft returns.

Michael Codron appreciates the subcommittee process where the City was able to work with the language Dr. Tefft developed and that they are in agreement with it. He requests that these amendments be placed on the May 18th ALUC agenda because some of these changes are time-sensitive issues. He comments on the issues raised by Commissioner Pottratz regarding density issues and states they have clear direction from the City Council not to remove any of the housing in the South Higuera area. He discusses the compromise by the city to meet the requirement of the ALUP and expresses the critical impact of this issue.

Commissioners discuss and comment on the amendments, and directing the Higuera Street corridor character more within the commercial/industrial character. Chairman Oxborrow states these recommendations have been agreed at the subcommittee level and discusses the process of amending the SLO ALUP.

Bill Robeson discusses the environmental and noticing requirements.

Commissioner Pottratz comments on additional residential units in the Airport area included in the amendment to the ALUP, and Commissioners further discuss residential issues around the Airport.

Michael Codron concurs with Commissioner Pottratz on his last comments regarding the proposal for amendments and consistency concerns.

Commissioners and staff discuss noticing requirements for the recommended amendments, availability of proposed amendments to the public, projections for adoption of the amendments at the June meeting and additional amendments that should deal with issues such as the request for replacing mobile homes with residential buildings on Tank Farm Road.

Michael Codron comments on the above project example on Tank Farm Road, states this was a proposal with higher density and the City would only make recommendations to build residences based on the same number of existing mobile home residences.

Commissioners further discuss recommendations for housing restrictions.

Michael Codron comments on the Airport Area Specific Plan as it relates to the mobile home proposal on Tank Farm Road.

Chairman Oxborrow feels the above issue needs to be postponed for further review and discussion.

Bill Robeson states he will work with the City and propose some wording for the above issue.

Chairman Oxborrow directs staff to compile the recommended amendments to the ALUP from the Commissioners, work on the language to address the mobile home replacement issues and notice the discussion of the amendments for the May 18th

meeting.

There being no further business, this meeting is adjourned to May 18, 2005 at 1:30 p.m., in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

Respectfully submitted,

Chris Macek, Secretary
Airport Land Use Commission